

# Grant County Planning Commission

## November 28<sup>th</sup>, 2005

The October 24 2005 regular meeting of the Planning Commission was called to order by Chairman John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Marlon Kinsey, Bill Marksberry, Nick Kinman, Nancy Duley, Howard Brewer, William Covington, Dan Bates, Marvin Faulkner, Attorney: Tom Nienaber, Engineer: Ray Erpenbeck, Becky Ruholl

There was a quorum present.

### ITEM 1: MINUTES

Howard Brewer made a motion to approve the October meeting minutes, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### ITEM 2: OCTOBER FINANCIAL REPORT

Howard Brewer made a motion to approve the October financial report, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### ITEM 3: ADMINISTRATORS REPORT

Becky Ruholl reported to the Commission that currently Williamstown and Crittenden have Ordinances relating to the requirement of street lights and that the City of Dry Ridge was currently in the process of adopting an Ordinance. She said that the County does not currently have an Ordinance concerning street lights.

### ITEM 4: TEXT AMENDMENT - City of Williamstown

William Covington made a motion to table the request until the January meeting due to the fact that no one from the City was present to represent the application, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes

### ITEM 5: MAP AMENDMENT - Evans

**APPLICANT:** Gene Evans

**GENERAL LOCATION:** 4325 Dixie Hwy., Dry Ridge, KY 41035

**REQUEST:** Agricultural One (A-1) to Residential One E (R1E).

Dan Bates removed himself from all discussion and voting.

Chairman John Lawrence declared the public hearing open.

David Wallace, attorney representing Legacy III Homes and Gene Evans, presented a concept development plan for the Commission to review. He stated that this was the Cotton farm that was next to the State Police Post. He said that it was 104.54 acres currently zoned A1 and the request was to rezone the property to R1E with a total of 265 lots with approximately 10 acres of greenspace and recreation areas. He said that the homes would be single family stick built homes. He said that the common areas would be controlled by Homeowners associations and that the existing residence would be preserved as part of the subdivision. There would be 2 entrances from US 25 and they propose to relocate the entrance of Bannister onto US 25 to align with Lemon Northcutt Road. He said that the density is 2.53 units per acres which is considered low density in the comprehensive plan. He said that facts show that there have been major changes in the area since the adoption of the Comprehensive Plan. He said that there have been 2 other subdivisions approved in the area and a school is proposed to the north of this property. He said that they anticipate that the property will be annexed in Dry ridge, they have talked to the mayor and they intend to annex. He said that they had a traffic impact study done which states that no turn lanes are necessary to maintain the "a" rating on US 25 at the entrances to the subdivision.

Chairman, John Lawrence asked if anyone wished to speak for or against the request.

Dan Bates, 505 Bannister Pike, said that he has lived there for 17 years and owns 2.74 acres. He said that the road is 1.7 miles long and there are 17 families and the closest is 125 feet. He said that the smallest acreage is 2 acres and there are 6 homes with school age children. He said the narrowest point on the road is 13 feet. He said that

the past PVA, Ralph Pettit, said that this was the last nice road in Grant County. This type of road is family road and they keep it mowed and free of trash. He said that Mr. Evans has right to develop his property as long as there is no adverse effect on the area and if the property is developed as shown he would be looking at 7 homes and the Stone have 13 homes bordering them. He said that raising cattle is a problem next to a subdivision. He said that Oscar Dixon had to get rid of his cows when Spillman Drive went in because of the complaints from the subdivision and children got into the fields. He said that there would be 23 homes with their backs onto Bannister Pike and the residents did not want to look at the rear of 22 homes. He said there are problems with the infrastructure, the fire department is not NFPS certified and the chief says that they are not able to meet the requirements to be certified. He said the Sheriff's Department is understaffed and the State Police is understaffed. He also asked how the residents would evacuate if there was emergency; if there was a derailment there would be no way to evacuate out the back of the subdivision. He asked if there would be off street parking. He said that Dry Ridge does not have an enforcement officer to enforce to off street parking and the Fire Department had responded to a fire in Brentwood and could not get down the street because the parking on the street. He said they lived on the road it was peaceful and he hated to see it change. He also said that when there are lakes in subdivisions there are problems with the children. He said that he has had a rifle range on his property for 17 years and there were complaints when Spillman went in. He said that everyone there enjoys where they live and they hate to see the back of a subdivision in the area of their homes.

Steve Fisk - 1085 Bannister - stated he was concerned with the access of Banister Road because they would have to go through the subdivision to get to their property. He said that they moved to the area in 1960 and they bought the 3rd home on Stella Court and within a few years there were 125 homes around him. he moved back to banister to get away from that and he hates to see this turn into what he was trying to get away from.

Mike Caudill = 660 Bannister - said he bought his farm 2 years ago and they tried to put in an indoor riding arena and were told that they could only have 2 shows and couldn't have the horse trailers on their property because of the roadway. He said that they recently got broken into and with 264 new homes it would cause more problems. He said that they would be bringing horse trailers and tobacco wagons through the subdivision if the entrance was changed. He also said that there was a problem with traffic backing up when there was a train because the card going onto Lemon Northcutt had no place to wait.

Joyce Caudill - stated that she agreed with what Mr. Bates said, she said that there was no benefit to dividing the property in to these small lots. She understood not everyone can afford a 300,000 dollar home but they were trying to minimize the negative impact this proposed development would have.

Ray Porter - 1230 Bannister - said that he owns 2 farms and has known Mr. Evans for several years and respects his right to do what he want with his property. His biggest concern was that farming is not looked at very highly and several families on Bannister still farm. He said that they would be bringing horse trailers and flat bed trailers through the subdivision if the entrance changes. He said that he has no desire to look at the backs of those houses and doesn't want the entrance to Bannister changed; he said no one asked the entrance to be changed.

Ed Hartman - owns 66 acres and moved there in 1998 he said that they moved there to get away from subdivisions. He said he lives on the end of a peaceful road and has a 100 acre lake and every kid likes ponds and lakes and he was concerned that the subdivision kids would end up on his property. He said he hates to see everything they have worked for interrupted.

Jerry Stone - 665 Bannister - he agreed with everything that has been said.

Janice Stone - 665 - said that she has lived there for 30 years she said that they had problems when Grantland went in with kids coming onto their property and fences being torn down and cows getting out. She said that they don't want to look at the back of the houses. She also said that they would have to manipulate the trailers and wagons through the subdivision if the entrance changes. She said Mr. Evans has a right to sell and they have a right to protect their property rights.

Jeff Stone - stated that he moved back to this road 3 years ago and he doesn't want to see the backs of houses and doesn't want the road to change.

Jim Hedges - 3850 Dixie Hwy.- said this was going to increase traffic on US 25 and he doesn't think that US 25 can handle the increase.

Nancy Duley asked if the traffic study said that there would not be a problem on US 25 with the increase in traffic. Mr. Wallace said she was correct. Nancy Duley asked who did the study. Mr. Wallace said that they hired a private company to do the study and they used the same firm used by applicants in the past.. He said that they will maintain a level "A" using the national standards without turn lanes. He said that they would leave the entrance to Banister alone if that is what the commission wanted and that they had proposed the change because they were trying to align the entrance with Lemon Northcutt Road. He said that it would be up to the State if they needed to install a turn lane and if they say that one is needed they would put one in. He said that there would be landscaping along Bannister Road to block the view of the rear of these homes.

Nancy Duley asked about the size of homes. Mr. Wallace said that this was considered low density per the comp plan which states that 3 homes per acre low density and the density of the this property would be 2.53/acre. He said that these would be homes starting at about 160,000 dollars. Nancy Duley asked the square footage. Mr. Wallace said 15,000-18,000 square feet. He said that there would be deed restrictions recorded. Nancy Duley asked if they had the proposed deed restrictions. Mr. Wallace said that they did not have them drawn up yet. Nancy Duley said that in the past developers had presented the restriction to the commission, which they would like to see.

John Lawrence asked if they could require a turn lane even if the traffic study says that it is not needed. Mr. Nienaber said that if it was needed for a safety concern then they could make it a condition of the zone change.

John Lawrence asked when they would put the buffering along banister. Mr. Wallace said it would be put there as the property was developed. Mr. Nienaber said that the Commission could require certain buffering and a condition placed with the recommendation and it would be up the legislative body to include that condition.

Mr. Wallace said that they would agree to a restriction of a minimum 15,000 square feet on the size of the home.

Nienaber said that the commission can place conditions as to the size and design of the homes to make them fit into the area with the agreement of the applicant.

William Covington asked how many homes were on less than ¼ acre. Mr. Wallace said that the average lot size was 12,000 square feet. He said that the interior lots are the minimum and the exterior are larger lots. Mr. Covington questioned how they got the density.

Nancy Duley said that there were several areas that were 4 lots per acre which was high density. Mr. Wallace said that the density is figured by dividing the number of acres by the number of lots and 0-3 lots per acre is considered low density. Logan Murphy said that they use the total acreage in figuring the density.

Mr. Nienaber said that just because low density is under 3 the commission doesn't have to approve the request. He said that they can request lower density. He said that the comp plan is a guide with several elements used to determine a zone change request.

Nick Kinman asked why they didn't face the homes onto banister pike. Mr. Wallace said that they thought this was better not to have 20 curb cuts onto Bannister Pike.

John Lawrence asked if the developer has any solutions to the farming problems. Mr. Wallace said that there were fencing laws in the state and there was a right to farm in Grant County which protects the farmers. He said that they could make the border fence part of the common area to be maintained by the homeowners association.

Janice stone asked if they would put up a chain link fence along the properties. Mr. Wallace said that they would.

Mr. Evans said that he has not had cattle since he has owned and there is a subdivision down his property and he has never had a problem with the fence.

Howard Brewer - said no one disagrees with the right to sell of Mr. Evans. He said that he has heard a lot of complaints about lots 202-180 which is a very small part of the overall design. He asked if they could form a committee to set down with the owners and work out the problems that have been addressed and table the hearing and come back in January with some decisions on the problems. He says that he is not sure what screening will be on banister and would like to see that issue addressed. He asked if they could table this decision and meet with the applicants to get straight some of the concerns of the people and the commission. Mr. Nienaber said that they have a right to send this to a subcommittee and they can meet with the applicant and their attorney he said that they public could attend but they could not take any further comment from the public and the committee would then make a recommendation to the full commission in January and they would make their decision on what was heard tonight and the recommendation of the committee. He said that the conditions should be written and signed by the applicant before a recommendation with those conditions is made by the Commission.

Howard Brewer made a motion to have zone change committee meet with applicant to review the comments and concerns and then the committee would make a formal recommendation to the commission and their next meeting. Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

The Zone Change Committee will consist of the following members: Nancy Duley, Marvin Faulkner, Howard Brewer, William Covington, Marlon Kinsey

Marlon Kinsey made a motion to table the decision on the Evans Zone Change Request until the Commissions Meeting in January, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 6: CCS PROPERTIES-SITE PLAN - HWY 22**

Dan Bates returned to the meeting discussion.

Chairman John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Jerry Keith stated that this plan was for a 6 unit apartment building on Hwy 22 in Dry Ridge.

Nick Kinman made a motion to approve the plan, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 7: ROBERTSON - MILLER ROAD - SITE PLAN**

Chairman John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plan.

Logan Murphy stated that this plan was for a building to be constructed for a plumbing business.

Nick Kinman made a motion to approve the plan, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 8: HARBOUR POINTE SECTION 2 - PRELIMINARY PLAT**

Chairman John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plan.

Logan Murphy stated that this zone change was approved 3 months ago and this was the Preliminary Plat for the Subdivision.

Marvin Faulkner made a motion to approve the plat, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 9: CONVEYANCE PLATS - OCTOBER**

William Covington made a motion to approve the October Conveyances, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 10: EXECUTIVE SESSION**

Nick Kinman made a motion to go into executive session to discuss personnel, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Marlon Kinsey made a motion to come out of executive session, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Chairman John Lawrence stated that no action was taken.

Nancy Duley made a motion to hire an assistant for Becky Ruholl, Dan Bates seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

William Covington made a motion to hire Linden Smith as a consultant, Marvin Faulkner seconded the motion. A hand vote was taken, , Marlon Kinsey: yes, Bill Marksberry: no, Nick Kinman: no, Nancy Duley: yes, Howard Brewer: no, William Covington: yes, Dan Bates: yes, Marvin Faulkner: yes. Motion passes.

#### **ITEM 11: OTHER BUSINESS**

Howard Brewer said that there had been a lot of discussion tonight about the small lot sizes. He said that all of the local Fire Departments are looking and asking for volunteers because they do not have enough to cover the area with all the new homes going in. He said that the "starter" homes in the county have been overbuilt. He said that when Brentwood went in Mr. Cadell said that the County should look at the tax dollars that would be coming into

the county. He said that he has seen that people come from Northern Kentucky and Southern Ohio and make a down payment on one of these homes and then leave the house vacant because they cannot make future payments. He said that in the past few months the Commission has seen a lot of lots around 8,000 square feet and he would like to see the Commission look into not making any lots less than ½ acre.

Dan Bates said that it was a concern of the Fire Departments that the new homes were so close together that by the time they get enough volunteers to respond that the fire would spread to a house next door.

Tom Nienaber stated that in some communities they have established impact fees in which the developer pays a certain fee per lot that goes to support the various impact that the development will have on the infrastructure

**ITEM 12: ADJOURNMENT**

Bill Marksberry made a motion to adjourn, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

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**JOHN LAWRENCE, CHAIRMAN - DATE**

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**NICK KINMAN, SECRETARY - DATE**